REMARKS

Reconsideration of the present application is respectfully requested. Claims 1, 2, 8, 10, 16 and 25 have been amended. Claims 5, 12, 20 and 29 have been canceled. No claims have been newly added. No new matter has been added.

Claim Rejections - §101

Claims 1, 3, 5, 6 and 9 stand rejected under 35 USC §101. Specifically, the Examiner alleges that these claims fail to recite a tangible result. In response to the rejections, claims 1 has been amended to include a limitation of "storing the summary of the directory", which is a tangible result. Claims 3, 5, 6 and 9 all depend on claim 1. Thus, the rejections are believed to be overcome.

Claim Rejections

Independent claim 1 stands rejected under 35 USC §102(e) based on Cole (US 2004/0196970). Dependent claim 5 stands rejected under 35 USC §103(a) based on Cole and Kita (US 6,430,611). Claim 1 has been amended to include the limitation of claim 5. The Examiner acknowledges that Cole does not teach or suggest the limitation recited in claim 5 (see Office Action mailed on 9/20/06, page 8). Thus, the 35 USC §102(e) rejection is overcome by the amendment. Applicant is hereby addressing the 35 USC §103(a) rejection applied to claim 1 as currently amended.

Claim 1, as amended, recites:

1.   A method of collecting data from a storage server comprising:
scanning a directory on the storage server;
determining a number of child nodes in the directory, and adding the number to a reference count;
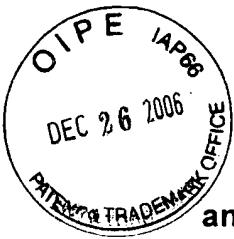
scanning a child node to collect information about the child node, and combining, concurrently to said scanning a child node, information collected by said scanning into a summary of the directory;

reducing the reference count after scanning the child node; and

storing the summary of the directory.

(Emphasis added).

In contrast, Cole and Kita, individually and in combination, do not teach or suggest the above emphasized limitation. Applicant appreciates the Examiner's acknowledgement that Cole does not teach <u>scanning a child node to collect information about the child node, and combining, concurrently to said scanning a child node, information collected by said scanning into a summary of the directory</u> (*see* Office Action mailed on 9/20/2006, page 8). However, the Examiner alleges that Kita teaches or suggests the above emphasized limitation. Specifically, the Examiner alleges that Kita's column 5, lines 14-18 states that "... the agent gathers information related to capacity of storage resources of its client computer, available storage space in each of the storage resources, number and size of files in each of the storage resources, as well as the number and size of files contained in the storage resources for each user of the client computer ...", and lines 27-29 states that "the information may be processed in the SRM agent to reduce the total quantity of information to be sent to the SRM server." Then, the Examiner concludes that "these two lines taken in combination suggest that the scanning of the information and combing of the information are occurring concurrently in the same location. Applicant respectfully disagrees.

According to column 5, lines 14-18, an agent gathers information. According to column 5, lines 27-29, the agent processes the gathered information to reduce the total quantity of information before sending the information to the server. Neither the two

sections, nor the rest of Kita teaches or suggests that the gathering and processing take place concurrently.

Even assuming *arguendo* that the gathering and processing happen concurrently, the processing, as far as disclosed in Kita, does not include <u>combining the information into a summary of the directory</u>, such as recited in claim 1. Thus, it would not be obvious to combine the teachings of Cole and Kita to include the concurrent scanning and combining as recited in claim 1. No combination of their teachings produces <u>all</u> limitations of claim 1.

Thus, at least for the above reasons, claim 1 is patentable over Cole and Kita. Therefore, all claims which depend on claim 1 are also patentable over Cole and Kita.

Independent claim 16 recites limitations similar to those discussed above for claim 1. For similar reasons, claim 16 and all claims which depend on it are also patentable over Cole and Kita.

Independent claim 25 stands rejected under 35 USC §103(a) based on Cole, Kita and Leshem (US 2002/0147805). Claim 25 also recites the limitation of "<u>concurrently to said scanning a child node,</u> combining information determined by said scanning into a summary of the file server using the agent". As discussed above, Cole and Kita, individually or in combination, do not teach or suggest the quoted limitation. Leshem does not teach or suggest the limitation of "<u>concurrently to said scanning a child node,</u> combining information determined by said scanning into a summary of the file server using the agent". Neither does the Examiner contend so. Thus, claim 25 and all claims which depend on it are patentable over Cole, Kita and Leshem.

Independent claim 10 stands rejected under 35 USC §102(b) based on Hackworth (US 2002/0125938). Applicant respectfully traverses the rejections.

Claim 10, as currently amended, recites:

10.   An apparatus comprising:
        a storage server having a mass storage device;
        an agent coupled to the storage server, the agent to concurrently scan the mass storage device to collect information about a file stored on the storage server, and combine information collected into a summary of a directory in which the file is located; and
        a database server coupled to the server and the agent to store the summary.
        (Emphasis added).

In contrast, Hackworth does not teach or suggest an agent coupled to the storage server, the agent to <u>concurrently</u> scan the mass storage device, to collect information about a file stored on the storage server, and combine information collected into a summary of a directory in which the file is located.

Thus, at least for the above reasons, claim 10 is patentable over Hackworth.

<u>Conclusion</u>

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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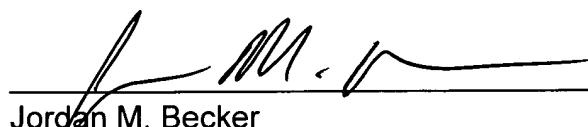
Jordan M. Becker
Reg. No. 39,602

Customer No. 48102
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025
(408) 720-8300